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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,653	08/21/2003	Susumu Kusakabe	113235-006	9927
29175	7590	12/06/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			NGUYEN, THAN VINH	
			ART UNIT	PAPER NUMBER
			2187	

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20041201

DATE MAILED:

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Commissioner for Patents

Than Nguyen
Examiner
Art Unit: 2187

Office Action Summary

Application No.

10/646,653

Applicant(s)

KUSAKABE ET AL.

Examiner

Than Nguyen

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/029,170
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/7/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a response to the election/restriction response, filed 9/28/04.
2. Applicant elects group I (claims 1,2,4,5). Claim 3 has been withdrawn.
3. Claims 1,2,4-15 are pending. New claims 6-15 have been added.
4. The IDS, filed 9/7/04, has been considered.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 6 recites the limitation "the information processing apparatus" in line 1. There is insufficient antecedent basis for this limitation in the claim. It appears that this claim has the wrong dependency. Claim 1 is a method claim.
7. Claim 13 recites the limitation "the information processing method" in line 1. There is insufficient antecedent basis for this limitation in the claim. It appears that this claim has the wrong dependency. Claim 10 is an apparatus claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1,2,4-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al (US 4,734,568).

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10. As to claim 1,2,4,5:

11. Watanabe teaches a composite IC card. Watanabe teaches the claimed information apparatus/method for: receiving a command (Fig. 12, command input 103); processing said command by utilizing a memory section including a first area for storing blocks of data (entire memory; Fig. 3), and a second area used by service provider(s) stored in the first area, each of the block data including definition data and access right data to the second area (index area contain access rights information; Fig. 4,5; 3/20-4/34), the command being processed by referring a plurality of block data stored in the first area; and transmitting results of the processing (response read/write output; Fig. 12).

12. As to claim 6,9,15:

13. Watanabe teaches an unused area is assigned to the first area (Fig. 3).

14. As to claim 7,10,13,14:

15. Watanabe teaches processing the command by referring two or more data blocks of different access rights (a security level can have multiple access areas; 1/60-65; 3/67-4/5).

16. As to claim 8,11:

17. Watanabe teaches the second area includes a common area accessible by two or more users. (areas in which multiple security levels can access; 4/1-30).

18. As to claim 12:

19. Watanabe teaches access right data is either read/write data OR read-only data (4/35-40).

20. Claims 1,2,4-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al (US 4,849,614).

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21. As to claim 1,2,4,5:

22. Watanabe teaches a composite IC card. Watanabe teaches the claimed information apparatus/method for: receiving a command (Fig. 5, command input 107); processing said command by utilizing a memory section including a first area for storing blocks of data (entire memory; Fig. 1), and a second area used by service provider(s) stored in the first area, each of the block data including definition data and access right data to the second area (code area contain access rights information; Fig. 1,3; 3/62-4/10; 5/50-6/40), the command being processed by referring a plurality of block data stored in the first area; and transmitting results of the processing (response output; Fig. 5, step 09).

23. As to claim 6,9,15:

24. Watanabe teaches an unused area is assigned to the first area (Fig. 1).

25. As to claim 7,10,13,14:

26. Watanabe teaches processing the command by referring two or more data blocks of different access rights (areas accessed determined by security level; 6/56-7/22).

27. As to claim 8,11:

28. Watanabe teaches the second area includes a common area accessible by two or more users (shared area; 5/40-45).

29. As to claim 12:

30. Watanabe teaches access right data is either read/write data OR read-only data (read/write access data; Fig. 3).


Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is 571-272-4198. The examiner can normally be reached on 8am-3pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571)272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Than Nguyen
Examiner
Art Unit 2187